

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

**JAMES M. DUNLAP,**

**Plaintiff,**

**Civil No. 2:11-cv-00272-AWA-DEM**

**v.**

**COTTMAN TRANSMISSION  
SYSTEMS, LLC and TODD P.  
LEFF,**

**Defendants.**

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR ENLARGEMENT OF  
TIME TO OPPOSE MOTION TO DISMISS**

Defendants Cottman Transmission Systems, LLC and Todd P. Leff (the “defendants”) do not oppose the plaintiff’s motion for enlargement of time to file his opposition to the defendants’ motion to dismiss the Complaint. The defendants are filing this response out of an abundance of caution to request that, if the Court grants the plaintiff’s motion, the Court clarify the date by which the defendants may file their reply to the plaintiff’s opposition.

Because the plaintiff’s opposition was untimely, the opposition will not be deemed to have been filed until the Court enters an order granting the plaintiff’s motion for enlargement of time. However, plaintiff’s counsel attached a copy of that opposition to his motion, and it is thus unclear whether the court might view service of the motion as constituting service of the opposition as well. Because Local Rule 7(F)(1) obligates the defendants to file any reply brief within three (3) days of service of the plaintiff’s opposition, the defendants are in a position where, if service of the motion constituted service of the opposition, they might be obligated to prepare and file a reply to an opposition that the Court has not yet deemed to have been filed. As a result, the defendants respectfully request that in any order granting the plaintiff’s motion for

enlargement, the Court also specify the date by which any reply brief shall be submitted.

Counsel for the defendants discussed this matter with counsel for the plaintiff by telephone today, and counsel for the plaintiff agreed to a due date of Wednesday, June 30, 2011 for any reply to plaintiff's opposition.

Accordingly, the defendants do not oppose the plaintiff's motion, but respectfully request that in connection with any order granting that motion, the Court specify the date by which the defendants' reply may be filed, which in any event will be no earlier than Wednesday, June 30, 2011.

Respectfully submitted,

/s/

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June 17, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17th day of June, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system which sent notice to the following:

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